IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:16-HC-2109-D

ANTONIO BLAND,)	
	Petitioner,)	
•.	v.)	ORDER
WARDEN ANDREWS,)	
	Respondent.)	

On June 5, 2017, Magistrate Judge Numbers issued a Memorandum and Recommendation ("M&R") [D.E. 9]. In that M&R, Judge Numbers recommended that the court dismiss Antonio Bland's ("Bland") 28 U.S.C. § 2241 petition and gave Bland fourteen days to file objections. On August 2, 2017, Bland filed untimely objections. See [D.E. 13].

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." <u>Diamond v. Colonial Life & Accident Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); <u>see</u> 28 U.S.C. § 636(b). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." <u>Diamond</u>. 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and Bland's untimely objections. As for those portions of the M&R to which Bland made no objection, the court is satisfied that there is no clear error on the face of the record. As for Bland's untimely objections, they restate the arguments Bland made in his petition. Compare [D.E. 1-1] 2-5 with [D.E. 13]. Moreover, his arguments do not show that 28 U.S.C. § 2255 is inadequate or ineffective to address his claims.

Accordingly, the court adopts the conclusions in the M&R [D.E. 9]. Bland's petition [D.E. 1] is DISMISSED, and the court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 483–84 (2000). The clerk shall close the case.

SO ORDERED. This 4 day of August 2017.

JAMES C. DEVER III

Chief United States District Judge